

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARGARET M. HEITMANN and ROBERT
F. DOUGHERTY,

Plaintiffs,

v.

COMPINSTALL, INC., FITZGERALD
INVESTIGATIONS, LLC, and PAUL
D. HEITMANN,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 12-7306
(JEI/JS)

ORDER

APPEARANCES:

ARCHER & GREINER P.C.

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Counsel for Plaintiffs

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Counsel for Defendant Compinstall, Inc.

PAUL D. HEITMANN

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Pro Se

Irenas, Senior District Judge:

This matter having appeared before the Court upon Defendant
Paul Heitmann's Motion to Dismiss (dkt. no. 14) and Defendant

Compinstall Inc.'s Motion to Dismiss Counts One and Four of Plaintiffs' Second Amended Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (dkt. nos. 16, 21); having reviewed the submissions of the Plaintiffs Margaret Heitmann and Robert Dougherty, Defendant Compinstall, Inc., and Defendant Paul Heitmann; having heard oral argument on January 30, 2014; and for the reasons set forth in an Opinion on even date herewith; and for good cause appearing:

IT IS on this 31st day of January, 2014,

ORDERED THAT:

1. Defendant Compinstall's Motion to Dismiss Count Four of Plaintiffs' Second Amended Complaint (Docket #16, 21) is hereby **GRANTED**. Count Four of the Plaintiffs' Second Amended Complaint (violation of the Driver's Privacy Protection Act, 18 U.S.C. §§ 2421-2425) is hereby **DISMISSED with prejudice** as to Defendant Compinstall, Inc. and Defendant Fitzgerald Investigations, LLC.
2. The remainder of Plaintiffs Margaret Heitmann and Robert Dougherty's Second Amended Complaint is hereby **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367(c)(3).

3. Defendant Paul Heitmann's Motion to Dismiss (Docket #14)
is hereby **DENIED as moot.**

4. Defendant Compinstall's Motion to Dismiss Count One
(invasion of privacy) of the Plaintiffs' Second Amended
Complaint (Docket #16, 21) is hereby **DENIED as moot.**

5. The Clerk of Court is hereby directed to **CLOSE THIS FILE.**



JOSEPH E. IRENAS, S.U.S.D.J.